

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 16: Intergovernmental Case Processing	Effective Date: 11/26/2019
	Section 3: Jurisdiction Over Non-Resident	Version: 1 Revision Date: 11/26/2019

BACKGROUND

Certain minimal contacts, set forth by provisions in the Uniform Interstate Family Support Act (UIFSA), are required to establish a basis for personal jurisdiction. When the Indiana court has jurisdiction over non-residents pursuant to provisions of UIFSA, the court is able to receive evidence and issue an order that is binding over non-residents.¹ Because of this authority, proceedings can be initiated and held in Indiana even though all the parties are not in Indiana.

The Title IV-D agency in Indiana also has the authority to transfer and initiate a petition to a responding agency for establishment when the requisite minimal contacts do not exist in Indiana.²

POLICY

The Title IV-D Prosecutor may exercise jurisdiction over a non-resident if:

1. The individual is personally served in Indiana;³
2. The individual submits to the jurisdiction of Indiana by:
 - a. Consent in a record;
 - b. Entering a general appearance; or
 - c. Filing a responsive document that has the effect of waiving any contest to personal jurisdiction;⁴
3. The individual resided with the child in Indiana;⁵
4. The individual resided in Indiana and provided prenatal expenses or support for the child;⁶
5. The child resides in Indiana as a result of acts or directives of the individual;⁷
6. The individual engaged in sexual intercourse in Indiana and the child may have been conceived by that act of intercourse;⁸
7. The individual asserted paternity/parentage in the putative father registry;⁹ or
8. There is any other basis consistent with the constitutions of Indiana and the United States for the exercise of personal jurisdiction.¹⁰

¹ IC 31-18.5-3-16

² IC 31-18.5-3-1(b)

³ IC 31-18.5-2-1(a)(1)

⁴ IC 31-18.5-2-1(a)(2)

⁵ IC 31-18.5-2-1(a)(3)

⁶ IC 31-18.5-2-1(a)(4)

⁷ IC 31-18.5-2-1(a)(5)

⁸ IC 31-18.5-2-1(a)(6)

⁹ IC 31-18.5-2-1(a)(7)

¹⁰ IC 31-18-2-1(a)(8)

If the Title IV-D Prosecutor elects not, or is unable, to exercise jurisdiction over a non-resident, a UIFSA action shall be initiated to a tribunal with jurisdiction.¹¹

REFERENCES

- [IC 31-18.5-2-1](#): Personal jurisdiction over nonresident
- [IC 31-18.5-3-1](#): Proceedings; filing petition
- [IC 31-18.5-3-16](#): Special rules of evidence and procedure
- [IC 31-18.5-2-2](#): Duration of personal jurisdiction
- [IC 31-18.5-6-11](#): Modification of child support order of another state
- [IC 31-18.5-6-15](#): Jurisdiction to modify child support order of foreign country
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D case

PROCEDURE

The Title IV-D Prosecutor evaluates the case to see if there is a basis to exert jurisdiction over a non-resident and, if so, assert the basis in the petition to establish, enforce, or modify a support order or determine parentage of a child.¹²

FORMS AND TOOLS

N/A

FREQUENTLY ASKED QUESTIONS

N/A

RELATED INFORMATION

N/A

¹¹ 45 C.F.R. § 303.7(c)(4)(ii)

¹² IC 31-18.5-2-1(a); IC 31-18.5-6-11(a); IC 31-18.5-6-15(a)